



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,925	11/19/2003	Paul Harrison	8204	6428

7590 08/11/2005

KENNETH L. MITCHELL
(WOODLING, KROST AND ROST)
9213 CHILLICOTHE ROAD
KIRTLAND, OH 44094

EXAMINER

GOODWIN, JEANNE M

ART UNIT PAPER NUMBER

2841

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,925	HARRISON, PAUL	
	Examiner	Art Unit	
	Jeanne-Marguerite Goodwin	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/19/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the data processing unit having a communication interface in claim 15; and the faceplate including advertising indicia as stated in claim 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 6, 11, 12, 19, 20, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,202,540 to Johnson et al. [hereinafter Johnson].

As per claims 1 and 19: Johnson discloses a timer device (10) for a container holding a beverage, said timer device (10) comprising a base member (16) for coupling to the container (12), a housing member (18) adapted for coupling to said base member (12), and a controller (32) contained in said housing member (18), and including a timer component (33) for measuring an elapsed time for the beverage, wherein said timer component (33) includes inherently an input for receiving a start signal, and said controller (32) including a power supply (31) input.

As per claim 2: Furthermore, Johnson's device start signal comprises a signal generated by a reset switch (see column 4, line 9-16).

As per claim 3: Furthermore, Johnson's device comprises a command signal received from another device (30).

As per claims 5 and 20: Furthermore, Johnson's device includes a display component (25), said display component (25) being coupled to an output on said controller (32), and said controller (32) inherently including a component for activating said display component (25) to display the elapsed time for the beverage.

Art Unit: 2841

As per claims 6 and 21: Furthermore, Johnson's device includes an audio device (26) , said audio device (26) inherently being coupled to an output on said controller (32), and said controller (32) inherently including a component for activating said audio device (26) to provide an audible indication of a freshness state for the beverage.

As per claim 11: Furthermore, Johnson's discloses including a communication Interface (see column 5, lines 50-52), said communication interface inherently being coupled to said controller (32) and being responsive to signals from said controller (32) for receiving and transmitting data to another device (30).

As per claim 12: Furthermore, Johnson's discloses a device as stated above. Moreover, the device, in a broad sense, has a fill switch in the sense that once the water is discharged in the container (12) than a form of a switch operation would exist once the water was emptied out of the coffee maker into the container.

As per claim 13: Furthermore, Johnson's device controller (32) inherently includes a component for transmitting a signal for the elapsed time via the communication interface (see column 5, lines 50-52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2841

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of US Patent 5,724,882 to Gallas et al. [hereinafter Gallas].

As per claim 4: Gallas discloses a command signal (27) being transmitted via a wireless communication link (light source/photodetector control system). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add wireless communication link, as taught by Gallas, to the device of Johnson, in order to have an automatic concentration control system, as already suggested by Gallas.

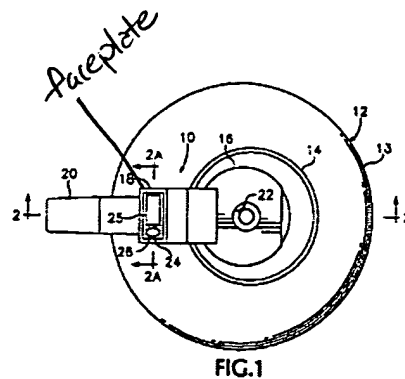
6. Claims 7, 8, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of US Patent 6,228,410 to Zajac et al. [hereinafter Zajac].

As per claims 7 and 22: Zajac discloses a device including a 10 (plurality) LED indicator devices. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the indicator assembly, as taught by Zajac, to the device of Johnson, in order to indicator different stages of freshness.

As per claim 8: Furthermore, the combination of Johnson and Zajac's device controller includes inherently a component for activating said indicator devices to provide a visible indication of stages in a brew cycle for the beverage, as stated above.

As per claim 23: Furthermore, Johnson's device includes a faceplate (see figure below) for sound housing member, said faceplate inherently having openings in communication with said indicator devices, and said faceplate including markings associated with said indicator devices and the markings providing information related to the freshness state.

Art Unit: 2841



7. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of JP Pub. 2001120433.

As per claim 9: JP Pub. 2001120433 discloses a liquid pouring control system comprising a pouring switch (12) being a coupled to an input on a controller, and said pour switch generating an output signal when a container is tilted to pour a beverage, and the controller inherently including a component for inputting the output signal from said pour switch. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the pouring switch, as taught by JP Pub. 2001120433, to the device of Johnson, in order to be able to control the discharged of the liquid, as already suggested by JP Pub. 2001120433.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of US Pub. 2002/0186619 to Reeves et al. [hereinafter Reeves].

As per claim 10: Reeves discloses a timing device including a power supply indicator coupled to an output on a controller, the controller including a component for activating the power supply indicator to indicator a low power supply level (see claim 20). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was

Art Unit: 2841

made to add the indicator, as taught by Reeves, to device of Johnson, in order to indicate when the power is at a low level.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of US Patent 1,796,398 to Richardson.

As per claim 24: Richardson teaches timing indicator including advertising space. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the advertising space, as taught by Richardson, to the device of Johnson, in order to serve good advertisement for a particular store or manufacturer.

Conclusion

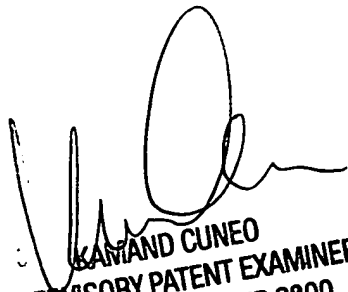
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US Patent 6,062,126 to Johnson et al. discloses a beverage quality control system; US Patent 6,294,997 to Paratore et al. discloses a wireless communication product quality control system; US Patent 5,956,151 to Zajac et al. discloses a beverage freshness monitor; and US Patent 5,260,914 to Roberts discloses a beverage timing apparatus.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is

Art Unit: 2841

assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
, 2005



SAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800